

In Memoriam: Joanne Wharton Murphy

*Earl Finbar Murphy**

In their eulogy, her nieces used several names or nicknames for her—Joanne, Jody, Jo, Jojo, Aunt Jo. She had others as well, Dean Wharton or Dean Murphy, Miss JW, and, for some, Wharto, because that's all some computer programs would print of her family name. For this memoir, I'll just call her Jo—my favorite—knowing that she was known better by different names to others.

But whatever the number of names that she answered to, she had only one personality, a highly integrated one that, by turns or even at the same time, was playful and serious. And playful or serious, hers was always a caring personality—to family, to students and colleagues, to friends, or to as much of the world as she could reach. Further, the reader must understand that the hardest part of her personality to capture in this memoir has been Jo's playful side.

Jo was first of all from an Ohio small town. She was born, grew up, and formed in Coshocton and thought she had been very lucky to have been so. She often described playing in the woods, walking along the dry canal bed from Roscoe to Mudport (before its scenic refilling), gliding clandestinely across the Tuscarawas river under a starry night sky in the gondola of an abandoned gravel company ("Trespass, yes, but they should never have left an attractive nuisance for us"), working summers at Mirror Lake, and fitting her homework into spaces between all her activities in high school: band, dances, sports, and friends, friends, friends.

Jo was an athlete. As a kid, her sports were sledding, bicycling, and skating (roller and ice). In high school: softball, basketball, and swimming. In college: synchronized swimming ("Wharton, straighten that leg!") and tennis. As an adult: skiing (president of the Columbus Ski Club) and touch football ("Until the guys got competitive, and then you didn't have fun, you just got hurt!"). And as an observer: well, first came Buckeyes football and basketball ("My brother played on that team."), while second rank was held jointly by the Cleveland Indians and the old Browns. Her last question, hours before death, was, "Did the Indians win last night?"

She came by sports genetically. Her father was *the* Coshocton (high school and city) coach, coaching football and boys and girls basketball. He was city

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recreation director, too, and he persuaded a family to donate a field, so that kids could play hardball and softball. Jo had the privilege of helping him line the fields, both the one for city recreation and at the high school. She felt honored by the opportunity. She was to be like that throughout her life.

Her mother was a schoolteacher too, and so expert a money manager that she must have implanted in Jo a respect for fiscal affairs which later influenced Jo's professional career. Jo's first wish, though, had been to be a physical education teacher in a high school. (Later her younger sister was to become one, as well as a successful basketball coach.) Jo changed her mind about that choice while standing on a downtown street corner in Coshocton with a group of girlfriends, all of them maybe fifteen or sixteen years old at the time.

The commonest of questions for teenagers was taunting them: "What'll I be when I grow up?" The usual answers for that time were schoolteacher, nurse, secretary, or housewife; but Jo was staring at a second floor window to a walk-up office over a store. She saw a woman's name—the name of a woman she didn't really know. That name was followed by one word in gold lettering: "LAWYER." She later recalled the word "LAWYER" glowing in the afternoon sunlight. And she told the others, "I'm going to be a lawyer." They responded by laughing and saying, "Oh Jody, you're always kidding! Why not a brain surgeon?"

But she wasn't kidding. She took rhetoric seriously in high school and later won several speech awards. After all, wasn't lawyering really about speechifying? That was the conventional wisdom around her.

She arrived at Miami University full of ambition—but, in a few weeks, she was convinced she was the dumbest freshman to have arrived that year. A country high school, as she then saw it, hadn't provided her with quite a level playing field academically. She knew, too, that she only could afford enough college for the then minimum law school entry requirement: three years of undergraduate education. Was she daunted? Apparently not. She was president of her dormitory, active in her sorority (Sigma Kappa) and other student organizations, and somehow still managed to make Phi Beta Kappa in the three years. She earned her fourth year for her bachelor's degree at law school. Of course, law school grades being what they were in those days, she did not receive her bachelor's degree from Miami University with honors, but she was on her way to what she wanted.

And she did like law school—for the most part, of course. Peaches and cream were not the only fare at The Ohio State University College of Law. But she was an editor on the *Ohio State Law Journal*; she joined a legal sorority (legal fraternities were for men only); and she was not visibly bothered by being one of only three women law students. She became a lifelong friend with one of those women, Joan Krauskopf, the first woman to have a tenure-track appointment to Ohio State's law faculty.

The only hurt she never forgot at the law school was what the placement director said to her. She had been interviewing for a job with law firms when he called her in to his office. "Miss Wharton, I understand you've been interviewing. Now I want you to stop. You might keep one of our men from getting a job." Since she'd been made to feel in her interviews a little like a freak at a county fair sideshow ("Hey, guys, there's a girl lawyer out here!"), she did quit interviewing. But later, when faculty members would recall with fondness the old placement director—"A real man's man"—she'd just say, without comment, "Indeed, he was."

The result was that she went to work in a Chicago bank in its trust department. She had decided against gold letters on the window of a walk-up office in Coshocton. Small-town Ohio was not yet the most receptive for the solo woman law practitioner, despite the gold lettering on that long ago window.

Jo threw herself, however, into Chicago life in her high energy way. She became active at St. Chrysostom's Episcopal Church. She joined the Republican Party and did poll duty. Because the Cook County Democrats kept Republicans at a distance from the polls ("Sort of creeps, all dose GOPers"), the work lacked variety. She shed tears, though, when she watched the first Nixon-Kennedy debate: she had no doubt about the winner. And tears again when Mayor Daley, once more, did his duty for the Democratic party.

Even so, Jo got a reward in 1960 for being a Republican Party worker in Chicago. She received a small silver box—one to hold her calling cards—inscribed with the name and personal thanks of Richard Nixon, as her reward. Very useful. She stayed loyal to the Grand Old Party until her death.

And she became an organizer of the talent shows of the Chicago bank employees—joyous romps, each one of them. She even got engaged—and then, to mutual relief, disengaged.

She did not remember sleep in Chicago in those days, especially in summer. No air-conditioning existed for either offices or apartments. Everyone took their night gear to a park or the lake shore to sleep because the apartments were unbearably hot, as were the offices. Being sent home from an office when the temperature passed ninety-five degrees was no relief either when one's apartment might be even hotter.

This went on for three years, and she always said it had been fun. But the men around her were being promoted and getting salary increases, while she stayed where she had started and at about the salary at which she had started. If she had stuck it out another ten and more years, as many of the women in the office did, promotion and salary increases would have come ("Times they were a'changing!"). But she couldn't know that and, besides, she was impatient for experiences that would be very different from anything she had done before.

Jo later wrote to her classmate, Joan Krauskopf, upon the latter's retirement

as a professor:

We have walked some long, lonesome, and tough pathways, but I also had the dream of the Emerald City. Even with the revealed flaws, life is better than 40 years ago.¹

I take this to mean that: (1) life for women had been tough in law school and, after graduation, far tougher in the profession, (2) despite that, they'd had their good times from life in the law, but (3) women today have available far better legal careers. (Jo said this far more elegantly than my paraphrase, I think you'll agree.)

Thus, one summer day in 1961—maybe thinking of the Emerald City—she walked from the bank to the offices of the Holland-America Line and bought a ticket for Copenhagen. Why Copenhagen? Because she had never traveled anywhere much, why *not* Copenhagen? Where else than Copenhagen would be any better? Her intention was a summer trip because she had the promise of a job come autumn with an Ohio Congresswoman in the Washington D.C. office. But Jo was to receive a letter in Florence from the Congresswoman telling Jo that there would be no campaign for re-election and thus, no job. So, Jo extended her travels. Her trip was to last exactly one day short of a year.

She hitchhiked, stayed in the cheapest lodgings, and used Eurailpass, sleeping overnight in the low fare coaches ("Does anybody remember fourth class on locals?") in order to save even on those cheap lodgings. From Copenhagen, where Tivoli Gardens had been her first taste of the exotic, she had gone on to places like—well, let's try to list them, though not all and not in order:

Amsterdam: a cleanliness she was to remember with keen nostalgia on her return over twenty years later ("No needle parks, then.");

London: she roomed with a woman cellist in a symphony orchestra and, thereby, was introduced to a musical London she would never have known;

Ireland: travelling from Dublin to Cork, except she missed my father's family town of Kinsale and she never was to see it, though it is far more attractive today than what she'd have seen in 1961;

Paris: later she would always return with anticipation of pleasure to come and the enjoyment of pleasure fulfilled, and where she hoped one day to have a little apartment for a short while, so she could pretend to live like a Parisian;

Italy: the men were too intense, unlike men she'd known in any other culture ("Just emotionally exhausting!"), from Venice ("Ah, gondoliers!") to Sicily ("Blond Sicilians, part Viking, those!");

¹ Letter from Joanne Wharton Murphy, Professor of Law, The Ohio State University College of Law, to Joan Krauskopf, Professor Emeritus, The Ohio State University College of Law, (May 22, 1997) (on file with author).

Spain: Barcelona, Cordoba, Valencia, Seville, Madrid;

Austria, Switzerland and Bavaria: leaving La Scala after a midnight opera on New Year's Eve for a train to Vienna, to ski in the Tyrol, and to enjoy snow scenes from Grimm's Fairy Tales;

Greece: Athens; deck passage in winter to Crete, huddling with others for warmth; Crete, walking the mountains, beating off the savage sheep dogs, and crying herself to sleep from the cold;

Turkey: the Great Bazaar, the Sultan's palaces, Sancta Sophia, the Blue Mosque, the emptiness of Anatolia;

Syria: Aleppo with drums at sundown beating for the nightly feasting during Ramadan; people telling her to hitchhike only south ("If you go east or southeast, you'll never be heard from again."), Damascus, the world's oldest continuously lived-in city;

Lebanon: the magnificence of Beirut, the charm of people she met there in the art galleries crowd; Baalbek, with the temple of Jupiter and the festival;

Jordan: the sense of imprisonment at night in the villages because you cannot go outdoors ("The dogs wander the streets, howling and vicious."), Gerash and Petra, unbelievable in their different beauties;

Jerusalem: the Holy Land, always both a magnet and a disappointment to the devout Christian;

Egypt: Cairo, when it was still a low-rise city, with green trees, spread along the banks of the Nile; Luxor, the Tomb of Hatshepsut and the Valley of the Kings; the rooms for King Tut in the Cairo museum, with Jo their only visitor;

Libya: the Hellenistic cities of Cyrene and Leptis Magna, and careening across the desert in a truckload of workers, drawing deeply on cigarettes to subdue their hunger;

Tunis: the Borda Palace with its vast collections of antiquities;

And, slowly then, back across Europe to take ship for New York, and so home. What was learned?

- (1) "When hitchhiking anywhere, don't be trusting, keep your passport and travelers' checks on you, and be prepared to abandon your belongings. They're not worth what you'll be risking for them."
- (2) "In the Middle East, understand that you *can* disappear. But a woman who has clothing modestly covering her, keeps her eyes resolutely downcast, and walks as if she knows where she's going will not raise irrefutable presumptions."
- (3) "And being alone, whether female or male, is not a good idea, either for hitchhiking in the desert or wandering a *souk*."

Later, she realized that she had been lucky to have traveled just ahead of the drug culture. No one yet had seen the hippies, who started to arrive in the late sixties. She was a phenomenon; and, in much of the world, being a

phenomenon is a safer condition than being a routine nuisance.

But most important of all, Jo had learned to live with only real fears. There were enough of them on that trip without conjuring up the phantasmic. Thus, for the rest of her life she was to handle fear very well. She had learned that while fear could never be denied, the only way to deal with it was to test for the fear's reality—and, then, to face the reality itself. Fear might not be faced down but, for the rest of her life, Jo would not be dominated by fear—and certainly never by phantasmic fears.

With this confidence, she returned to Chicago. She talked with friends; she rode the bus to her old neighborhood and walked around its streets; she saw her close relatives who lived there; and she decided that not enough had changed. Yes, Chicago was comfortable now for her, but she wanted something more than the comfort of an old shoe. For that kind of comfort, she might as well return to Coshocton. And she did—temporarily—to re-group.

The opportunity to move on came quickly enough. In 1962, William Saxbe had been elected Ohio Attorney General and he was open to appointing women and minorities in a way that others had not been open. She became an assistant attorney general responsible for the Department of Commerce. People who know the situation in that office today will smile at the small size of what had been handed her. But the size of commerce was not so large then, either; and, lots of law business had to be done in that busy time that swiftly passes for a lawyer in briefs, court arguments, appeals, consultations, planning. Anyway, Jo always was prepared to take on whatever was handed her.

Her work there gave her other opportunities. In 1965, she left the Attorney General's office for The Ohio State University College of Law to be an assistant dean. This decision did not involve a trip that would stretch out for a year, but had been made for a journey that—with only a brief gap—would stretch out for the rest of her life.

Jo became known in her professional life at Ohio State, and later at Case Western Reserve University School of Law (1971–1973), as an excellent academic administrator, a fine technician in the law of banking and financial institutions, a good lawyer, and a popular teacher in non-bar electives of daunting complexity. She had left the Attorney General's office with a good legal reputation. She enhanced it during her many years at Ohio State, as well as during her two years as associate dean and associate professor at Case Western. She also was successful as a mediator while the Ohio State Ombudsman (1973–1976). That was a time early in the legal development of mediation, when she worked with administrators, faculty, students, and staff.

Always while Jo was at the Ohio State College of Law, both the first time (1965–1971) and the second (1981–1997), she was much admired in her administrative capacities, at various times being responsible for student services, financial aid, placement, secretary of the faculty, alumni affairs, CLE,

the *Law Record*, special events such as the Centennial and the dedication of the new building addition, and whatever else was sent her way. And she took great risks upon herself, accomplishing much good for others, when she chaired the Ohio State Commission on Women and Minorities (1975–1977), even as simultaneously she chaired the Ohio State United Way Campaign Drive (1976).

Truly, when Dean Ivan Rutledge introduced me to Dean Wharton as a new visiting professor at the beginning of January 1969, I came to think of her as Wonder Woman. She was not and never was. She was just a wise, shrewd, intelligent woman with an ability to work sixty to eighty hour weeks upon a regular basis—and still have fun and be a fun person for others. Early on, I recall asking her out to dinner and her replying, “O.K., even though I’ve a headache—maybe it’s from hunger. I haven’t eaten since breakfast.” Then there was a pause, a kind of wondering pause, until she added: “Yesterday.” Well, you see why I had thought of Wonder Woman!

The biggest public task she ever undertook was chairing the Ohio State Commission on Women and Minorities. A close friend, another ombudsman at a major state university, said, “Only a believer in the goodness of humanity would take on that job, someone anyway who wasn’t a senior tenured full professor near a career’s end. It’ll mean the end of your career, at least, if done right.” Apparently, Jo did it right.

The report, in three volumes, was issued April 1, 1977, after over eighteen months of intense labor. The second volume was a detailed overview of the racial and gender situations covering a period of twenty-five years at Ohio State, because Jo had gone back to find every report ever done by any Ohio State or Ohio State-connected organization on those subjects. A number of such reports existed, all neatly filed upon receipt, though not without having had some gradual effects. Because change had occurred, the administration anticipated enthusiasm on the part of the Commission members for a job well done.

The third volume of the report, though, was comprised of task force reports from all over Ohio State indicating little current enthusiasm—or even recognition—for a job having been well done. Volume two had reflected that also in its summarizing capacity. Even so, any lawyer would have been pleased to have both volume two and three, if called upon to defend Ohio State for civil rights violations, because strong evidence was present in those volumes, showing that major positive changes had occurred to the benefit of women and minorities at Ohio State in those twenty-five years. In both of these volumes, Jo had played a major role in research, hearings, writing, soliciting contributions, and editing.

However, the truly controversial volume was volume one. By the time it was being prepared, Jo’s health had broken down completely. She was either in the hospital at Riverside Methodist Hospital or bedfast at her parents’ home in

Coshocton. The illness, which eventually would kill her, had manifested itself after six months of ambiguous symptoms. Medical opinion, at the point of full manifestation, thought Jo might not live more than six months.

Thus, she was in no condition to work on volume one. So, her assistant, Ria Parodi, with several members of the Commission, assembled her notes and early drafts for volume one, edited them, added to them, and voted the result out as the recommendations of the Commission. Jo would have concurred in its contents; but she was not present to defend it, to explain it, or, maybe, to have suggested more politic language that the commission might have used. But none of that was to be. Therefore, the report was not welcomed by an administration that had expected a report quite differing in tone.

The report, though, was important. First of all, it was a baseline against which the next generation of change could be measured. No longer was it necessary to search archives to find out what had been recommended at Ohio State on these subjects and on what bases the recommendations had been constructed. All this was in the report. Second, the recommendations pointed in a very particular direction. Many were ultimately adopted in whole or in part. Some were not. But the future changed more rapidly, and changed more differently, because of this report, than even the Commission had anticipated. And third, twenty years later, people were able to look at the 1977 report and see how much more work still was needed in order to fulfil the promise of that report. No small accomplishment for a committee, proving that not all committees at Ohio State are a waste of time and just another way to delay action.

Before the report, Jo had been an ombudsman, chair of United Way, chair of the Commission, a member of other Ohio State committees and task forces, and adjunct professor of banking law at the College of Law. Afterward, she was adjunct professor of banking law.

Jo was fortunate because in the ensuing stillness she could focus on her frail health. Later, she became director of an independent Columbus Area Leadership Program (CALP), which she succeeded in getting under the fiscal umbrella of the Chamber of Commerce so that CALP might continue its work. She was a visiting professor of law at the University of Arizona in Tucson, where she taught an expanded course in banking law, covering not only bank structure but also bank collections, consumer debt, and other areas of commercial law relevant to bank work. She relied upon her teaching of the subject at Ohio State and Case Western, as well as upon the extensive lectures she had delivered at the University of Wisconsin Graduate School of Banking in the summers of 1972 and 1973.

Also, she was not without community work, as had been and always would be the case. Usually she was on the board of directors, or even an officer, of so many organizations, in so many areas of concern: the Open Door Clinic,

Friends in Action, the legislative investigation into the Home State Bank failure, Impresarios of Opera/Columbus, Women Lawyers of Franklin County, bar committees, and on, and on. And in 1981 she came back to the College of Law as an assistant dean for alumni affairs.

Jo's jobs never correlated with any official job description. They grew by accretion the longer she had them. No duties ever went away for long, but ever more additional duties would come along.

She edited or supervised the editing of the *Law Record*, which had gone from a newsletter to a magazine just before she took on her new assistant deanship. Color photography was never in her budget, so she had to be inventive, with two-tone print jobs, sepia paper, stark black-and-white photos, and other contrivances to dress up each issue. It looked dignified, but not as glamorous as the current issues.

She had responsibilities for the College of Law's efforts at CLE, working with Bert Nester on his Pension Strategy Program and with Jean Morris in Continuing Education on other programs. Wisely, the College, after her retirement from alumni affairs, dropped CLE, except for Pension Strategy.

She was responsible for the multitude of celebrations accompanying the kickoff for the new building fund drive, the groundbreaking, and the dedication, for the College's Centennial, for retirement or departure parties for faculty and staff, for the now-and-then "annual" Happy Holidays parties, and for other functions that seemed at one point as common as those at the United Nations. In this way, she got to know most of the city's caterers, decorators, flowershops, bands, party stores, and how to get the biggest bang for the buck from each one of them—or else to go to another for a still bigger bang.

Jo perceived contact with alumni as the most important part of her job. Alumni relations, in her eyes, were not just preparing for meetings of the National Council (though she was its secretary) or correlating with the General Alumni Association—nor was it just trying to raise money for the College. The reunions were important for Jo in order to maintain *camaraderie*—or to create it, because not all classes have it. Jo wanted every class to have its alumni representative and newsletter. In her view, this could prove to be the most important work an alumni office might do in the long run. But the short run has a way of eating up the long run. So it was with Jo's hopes for this kind of alumni success.

Nevertheless, she did concentrate her efforts on reunions. Unless it was clearly a reunion was for members and families only, she rarely missed one; and she loved the interaction, forever fielding the recurring question from out-of-town alumni, "Where are all the Columbus people?" But as she would finally quote: "A prophet is never without honor save in his own country," so enjoy who's here."

Her real problem, though, was one of her virtues, which Dean Gregory

Williams praised in his eulogy: "Whenever I'd come into her office, she'd look up at me, smile, and ask, 'What can I do for you today, Dean?'" Thus, when she wrote up her job description for what a replacement had to do, the list was of great length.

Clearly, that list showed why her job had to be broken up into parts for more than one replacement to take on. Consequently, pretty soon after her retirement, Jo was hearing what she had often heard before, whenever she left a job: "Gee, now that person X is doing job Y, job Y is being really done well at last!" And as on the previous occasions, Jo would respond lightly, "Well, person X is giving job Y a good deal more than a lick and a promise."

Because, of course, after she had become assistant dean again, Jo had kept on teaching banking law—and in 1987 she had added her seminar in the International Law of Financial Institutions. The result had her teaching half of a regular faculty load and still managing to maintain good enrollments in highly technical legal areas that were elective, non-bar subjects.

When I went through her files of twenty-five years of teaching banking law, I found folders by topic, while in them were her year-by-year notes and cut-outs from newspapers and periodicals. Her notes were written by someone thinking faster than she could write, with marginalia scrawled in, as they later occurred to her. Those folders were packed with decades of banking law lore.

Doing this review, as I was discarding ephemera and the remains of a teaching career, so much came flowing back into my memory:

(1) How subjects in banking law rose and fell over that quarter century, such as branch banking (from vital, requiring weeks, to a lightly over in one day), usury, the Chinese wall, S & Ls versus banks, non-bank banks, disintermediation, NOW (not what you think—negotiable orders of withdrawal), and on and on;

(2) How a subject would rise to importance and then would be cut back, or even dropped from the course, because the course's core kept getting more complicated and no time was available for, as examples, the history of banking and banking law, bank anti-trust, or judicial review of bank regulators;

(3) Important cases of the time that, for the moment, had seemed as important as *Marbury v. Madison*, but now were largely forgotten even by banking specialists; and,

(4) The breaking stories of past days, because one fact that kept coming forward, in my review of her folders, was that *everything* cut out of newspapers and current periodicals had seemed a crisis of equal importance to the journalists of the day as they had written up their stories.

Truly, I was overwhelmed by the work represented in those boxes, which I was clearing out. But how could any of it be saved? Precious little, and even the little saved by me will one day be thrown out by someone else. My uncle, who was called The Lone Wolf at the Indianapolis Bar, used to say,

"Immortality for a practicing lawyer is five years. For a law professor, it's maybe fifteen." But while doing the work, both the doer and the task have to appear immortal, or why do anything at all? Jo knew her mortality, but, most assuredly, she was never one able to refrain from work, or risk, or courage, because of her mortality.

Her most memorable work, however, had nothing to do with technical skill or academic administrative ability. Rather, her best work was done with students at the Ohio State College of Law, when they were her nonteaching responsibility in the years 1965 to 1971 (or 1973, if her work at Case Western is added—and those two years should be added). They were never stories Jo told, never memories she recalled even to me. They were her private acts that helped others. But the people helped have told, or written, about those acts of hers and I shall mention only three of them.

Jo used to say that the women students took their troubles to General Albert Kuhfeld, the associate dean, and the men (except for military problems) took their difficulties to her. An exaggeration. But given the gender ratio in those days, she got a wider spectrum of problems than good-hearted Al Kuhfeld. And she put her caring nature to good effect.

After Jo's death, a distinguished law professor and an alumnus of the College wrote me:

I was broke and distraught and about to drop out of my first year of law school. She calmed me down and saw that I had enough money to finish the year. I'm sure that's just one of hundreds of similar stories. She was a special person and I'll miss her.

Were there "hundreds"? Jo would have denied it. But let me quote from a letter she received from a successful African-American lawyer, a leader in civil rights/civil liberties litigation, written shortly before his death:

Over the years, I have fondly remembered the many small acts of kindness and support you extended to me in my laborious trek through the College. More than once, I've concluded that I could have never made it without your help. I have a real personal need to say "thanks" for everything. Even that doesn't sufficiently convey the magnitude of the impact you had on me. There are just simply too many times, when faced with a judgment call, I think of you and sitting in your office . . . Now that I know how short life can be, I can only hope that we can truly let you know before it is too late, that those extra efforts you took paid off and that you are loved.

And one last account told in a letter to me from Professor John J. Slain, now on the faculty of New York University School of Law, formerly of the faculty of this College:

A student taking one of my tax exams had a panic attack during the examination and was brought to Jo's office. She locked the half finished exam in her office and she and the student got coats and walked around the campus for hours. I never learned what they discussed, but by early evening they had returned to her office. Where she proctored the completion of the exam. I learned about this from the student years later. She was a giving woman.

Since Jack's tax examinations were known as "guerrilla theater," lasting hours, one can understand the "panic attack" and that Jo's proctoring of that examination would have taken her until very late in the evening.

Governor George Voinovich, in a personal letter of condolence, summed up this aspect of her character when he wrote,

I pray that you take comfort in knowing she touched the lives of so many people and truly made this world a better place in which to live. It's often said that it's not the number of years one lives, but what one does with those years that really matters. Joanne used every minute she had to make a difference, not only in her professional life, but through her civic contributions as well.

If "civic contributions" includes "personal contributions," that statement is exactly right on this particular aspect of her life. "She was a great spirit," as Gordon Gee said in a note.

Classics Professor Charles Babcock, who was on the committee that recommended Jo for the office of Ohio State ombudsman, said something of the same:

[The] loss is shared by all of us who admired and respected her remarkable and generously applied talents in a wide-ranging career that touched so many in very positive ways. [T]he glow of her personality and the sense of her involvement in whatever issue were obvious. . . . [H]er memory will remain fresh and most deservedly appreciated among the many whose lives she touched.

She was such a perpetually positive person that, as a well-known (non-law) professor emeritus said of her and the University, "No matter how nasty and discouraging University affairs, Joanne was never without a smile and an optimistic outlook. What a lovely person!"

Leo Raskind, once on this law faculty, spoke about her optimism and great spirit when he wrote, "It's hard to imagine that her vibrant presence is gone." But she *is* gone. Many letters came from her doctors and from her nurses at the University of Pittsburgh Medical Center, where she received her chemotherapy. One of her nurses in the Radiological Procedures Unit wrote,

I could not believe it. I thought how great she looked. This is the hard part

of my job. You learn to care for people as patients you treat, only to realize that life is a temporary phase. We must all live life on the good memories we have been given.

Jo made many such good memories possible. She was active in an international planning organization, the World Society for Ekistics, serving on its Executive Council and attending meetings in Toronto, Athens, Budapest, while being a friend of such personalities as Margaret Mead and Buckminster Fuller. (Jo would never have dropped such famous names in relation to herself—but I have.) Gerald Dix, a professor at the University of Liverpool, called her a good and caring colleague, while the Society's Secretary-General, Panayis Psomopoulos, said her death would be henceforward one of his "bitter memories." She also enjoyed conferences of the International Law Association and the Academy of Comparative Law, in Paris, Montreal, and Athens, again making friends with many personalities who also found a friend in her. (This time, I shall be like Jo and "drop" no more names.)

But why continue to quote or make further references? Jo loved living. She loved people, if they'd let her. She wanted to help others—students, the dean, the famous, the unknown. You pick your group or your kind of individual and she could love them. She was a private person, who was stunned to be given the Nettie Cronise Lutes Award by the Ohio State Bar Association. "Those are for public women, known to everybody, not me." But it was for her; it honored her; and her speech of acceptance was an honor to the Bar who gave Jo the award.

Still, the greater memories she leaves behind are perhaps the private ones, acting at one time, upon one other person, for some single helping deed. Many alumni from 1965 to 1971 speak of her finding the fiscal aid that made the difference. Yet the College of Law had pitifully little to provide in student financial aids in those years. Somehow, she knew how to find it and where it should go.

Jo knew rules were made for general good and not for individual suffering. If another law school refused a provisional admission until all the paper work had been sent, she made a provisional admit, pending arrival of the paper work. And, yes, admissions were something else she handled too, in those years.

As the one then handling the most student problems on a daily basis, she had particular sympathy for those going off to Vietnam and those coming back. Jo saw, along with Dean Kuhfeld, that each one had the best of College consideration. And a letter from Woody Hayes always got a sympathetic response from Jo, because her regard was forever high for Buckeye football—and not only on the field. Buckeye football is a pretty good test to determine the threshold of pain for a future lawyer.

Certainly Jo, herself, knew a lot about pain, fear, and disappointment throughout her life. In that regard, she was like an old friend, Dr. Charles Cunningham, one of the major benefactors of the Columbus Museum of Art. When he was dying, he told the hospice chaplain, "You've seen my tears. But they don't mean I fear death. I just don't want to leave." And though she had no fear, either, Jo, too, did not want to leave.

When Jo received the Ohio State College of Law Alumni Award, just weeks before her death, Dean Williams made maybe the best comment about Jo's work: She built bridges for others to cross that she could never cross herself. Certainly, she continued building those bridges until the last few days of her life: she was still writing letters of recommendation. The College Development Officers—John Meyer, Tom Hof, and Tom Hoffman—agreed that none of her letters to alumni were form letters. The same individual care applied to her alumni letters was applied by Jo to her letters of recommendations for students. Both kinds of letters were crafted in an intimate, specific way. Reading them, anyone would know the writer cared deeply about what she wrote, about whom she wrote, and about to whom she wrote it.

Some have said it was a pity that she never got to say goodbye, that the abruptness of death deprived her of a goodbye. But that is not so. Jo said goodbye twice in 1997. The first time was at our twenty-fifth wedding anniversary party, when she said to the many there, "This is the happiest day of my life," and then proceeded to tell just why it was her happiest day. The second, and last, time was at the September 1997 award ceremony here at the College of Law in a speech that is reprinted in the *Law Record*. That speech was her epitaph.

So, Jo did get to say goodbye to her family, her friends, and to her College. Those two speeches summed up her life. And when that summing up had been done, even when reluctant to leave life, all had been said that her departing soul could say. Jo said it well in saying goodbye to a life well lived. Still, is Jo gone completely? Maybe not quite yet. As Dean Williams said at Jo's funeral, "I'll always see her hurrying down a corridor at Drinko Hall, on her way to do more work for the College." That would be like her.

*The Honorable Robert M. Duncan**

Now that I am a mid-range senior citizen who has survived more than forty-five years as a member of the bar and bench, occasionally I am asked about trials or cases that I identify as highlights or otherwise memorable enough to deserve comment. Of course, even with a sluggish memory, there are some. Some that I am proud to recollect, and some better left unidentified. However,

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when compelled to take a backward look, it strikes me that the real highlights of a long professional career have not been legal issues, advocacy, or opinions. Most memorable are the truly outstanding and extraordinary people with whom I have had the opportunity to work. Joanne Wharton Murphy was one of them.

Over thirty years ago, when gender-based discrimination was considerably more overtly practiced, Joanne (Jody) Wharton became the second female lawyer in the central office of the Attorney General of Ohio. She came with an extremely strong academic record (which she never mentioned), some experience in commercial law, and an uncommon sense of alacrity about the challenges of her work.

Early on I assigned her to prepare an opinion regarding the applicability of a rather obscure tax statute to a very peculiar set of facts. In my role as Chief Counsel, I had a fiendish practice of assigning bizarre opinion requests to new lawyers. I soon learned that assigning the opinion to Jody was an inadvertent stroke of genius. Our client, the state tax officials, found great favor with Jody's insightful conclusions and well expressed rationale.

Her professional ability quickly gained her the highest respect in the office. She was consistently willing to take the difficult cases, work long hours, and find a way to enjoy the experience. More special was her obvious pride in being a part of the office. Unlike many of us in the office who often had the attitude reflected in the question "What are those idiots upstairs asking us to do now?" Jody's attitude was "Let's get this done and doing it well will make the office better." She always was possessed with incredible loyalty and patriotism.

At office softball games we soon learned that the female Phi Beta Kappa lawyer could hit the long ball and stretch a double into a triple. She was a tough competitive player who did not like to lose. She was a delight to be around.

In 1975, I was a member of The Ohio State University Commission on Women and Minorities, which Jody chaired. It was clear that whatever the Commission found and recommended would be viewed by some with trepidation, suspicion, dissatisfaction, and disdain. Obviously, she knew all of that, but again her compulsion to serve motivated her to work professionally on a mission to bring about equitable inclusiveness to our campus. Under her leadership the Commission's work was of high quality and is now recognized as an important foundation for the University's ongoing efforts to establish and maintain a diverse and unbiased university community. The report was prepared straight away without undue concern for whoever it pleased or displeased. She had the kind of personal courage necessary for leadership. She was able to take the accolades, and also take the blows—there were some—and she always remained gracious and proud.

Those of us who have had years of experience with the Ohio State College of Law Alumni Association and the National Council have a keen awareness of the time and effort required to provide support, innovative programs, and

communication with a large and ever changing body of graduates of the College of Law. She made us feel welcome and more caring about the College of Law. It was obvious that her heart was in her work. The alumni and College of Law have lost an outstanding leader and a dear friend.

I have no personal knowledge of her performance as a classroom teacher. But from conversations with her colleagues and a number of her students, I will wager my IRAs that she was outstanding. However, I still cannot understand how a law teacher could maintain such a neat and well organized office as she did. It was so good frequently to stick my head into her door and quickly pass the time of day with an old friend.

Some years ago while on the federal bench, I called her urging that she apply for a vacancy on the United States Bankruptcy Court. She was extremely well qualified for the office. A few days later she called, and from our conversation it was clear to me that her strong sense of loyalty and love of the University, the College of Law, her students, and colleagues caused her to feel a strong sense of commitment to continue her work at the College of Law.

She handled her personal adversity with her traditional courage, class, and loyalty. I will always remember last fall asking her loving husband Professor Earl F. Murphy, "Earl, how's Jody?" He said, "She has had a hard time this week, but she is determined to be at the football game Saturday."

We miss you, Jody.

*Dean Gregory H. Williams**

On October 20, 1997, the Ohio State College of Law lost a true friend, Joanne Wharton Murphy was a very special person who left everything she touched better than when she found it. As the Assistant Dean for Alumni Relations, through her banking law courses, and through the many other positions she held in the College of Law, Joanne touched the lives of hundreds of College of Law students and alumni. Her colleagues, her students, and all who worked with her respected her judgment, her standards of quality, her brilliance, and her professionalism.

Our lives are best measured by the impact we have on others, and Joanne's influence was incomparable. As I travel from county seats to state capitals, as I meet with solo practitioners and lawyers at the nation's largest firms, Joanne Murphy is who the College of Law alumni remember most fondly. Joanne was the person who rescued students from potential failure and oblivion. She was the person who found scholarships for students who simply did not have the resources to go on. She was the person who was willing to sit in her office, long after closing hours, listening to students and helping them cope with

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courses, exams, financial crises, or the frustrations of job searches.

We all have our special memories of Joanne. What I will always remember is Joanne's unconquerable spirit, a spirit that was forged on the anvil of adversity. She was one of only four women in her law school class of 1958. Life was not easy for women who sought to break the barriers of privilege and exclusion that existed in our profession, and it did not get much better when she began her career as a lawyer. Joanne's career was filled with firsts. She was the first female Associate Dean at Case Western Reserve University School of Law and the first University Ombudsman for Ohio State. While she was proud of those achievements, Joanne never settled for merely getting in the door. She also wanted to be the best in the job, and there were few jobs in which she was not the very best.

Joanne was a woman well ahead of her time. She recognized that breaking barriers, that being first, was not enough. She worked hard to reach out to women who followed her and made sure that the paths she forged were followed by others. She was not concerned about the opportunities for Joanne Murphy. She cared about other women and minorities who were excluded from the positions of privilege and opportunity. She was personally willing to risk the scorn of those in power to seek to open doors for others. She always had the courage to work for what she knew was right.

Joanne helped build bridges that she would never cross. Yet she was not angry or bitter that the opportunities available to the generation that came after her were not available to her. She never failed to congratulate those who stepped into jobs that by all rights should have been hers years earlier. She did not dwell on past insults or injuries. During the few short years that I had the privilege of being part of Joanne's professional life, I never once heard her complain about the doors that had been closed to her or the hostility that had been directed toward her because she had the courage to stand up for that in which she believed. She faced life with good cheer.

Joanne's accomplishments and contributions were recognized by others. In 1995, she was the first recipient of the Ohio State Bar Association's Nettie Cronise Luttes Award and was recognized for her pioneering work promoting women in legal careers. Joanne was justly proud of that honor, but true to her character, she did not rest on her laurels. She continued to teach and to encourage others to follow their dreams even when the obstacles seemed insurmountable. I am pleased that the National Council of the College of Law honored Joanne in September 1997 as "Alumna of the Year." Her words on that day focused on the blessings of her life—her family, friends, and associates—and on those who had encouraged her as she faced challenges.

We have lost a person who made the vicissitudes of life a little easier to bear, a person who was always equally willing to share our triumphs and our heartaches with us. The College of Law will truly miss one of its greatest

daughters. She represented the very best amongst us.